

SUNSHINE ADVISORY

A Bulletin on Iowa Open Meetings and Public Records Laws

By Attorney General Tom Miller – February 2007

Notice for Meetings of Governmental Bodies: *What if more than one law requires notice?*

A basic tenet of Iowa's Open Meetings Law is that a governmental body must provide advance notice of the time, date and place of each meeting, plus a tentative agenda. (Iowa Code sec. 21.4.) But, in a few instances, a second statute also may require specific advance notice of a meeting. How do public bodies avoid the confusion of two notices? What notice should be sent?

The Open Meetings Law says that if a second statute "requires specific notice of a meeting, hearing, or intent to take action," then compliance with the second statute constitutes compliance with the notice requirements of the Open Meetings Law. (Iowa Code sec. 21.4(4).)

Here are practical guidelines for officials about handling notice requirements:

- Assume the notice requirements of the Open Meetings Law apply: In the absence of another specific statute, notice complying with section 21.4 (1) must be posted for the public and distributed to media who have requested it – including time, date and place and tentative agenda.
- Compare the notice requirements of other applicable statutes: A statute may require specific notice. For example, a county board of supervisors acting on county zoning must give notice of the time and place of a hearing, publish it as required by law, and include more information about the location of the affected area. (Iowa Code sec. 335.6.) If specific notice applies, compliance with the specific statute constitutes compliance with the Open Meetings Law.
- Consider posting and distributing notices as provided by the Open Meetings Law: Even if the law requires just one notice to issue, posting and distributing the notice additionally under the Open Meetings Law can avoid confusion and give the public consistent access to notices.

Remember: Notice of meetings under the Open Meetings Law is essential. When another statute requires notice in a specific manner that differs from section 21.4(1), public officials should consider steps to avoid confusion and assure notices reach the public.

Citizens who have inquiries or complaints about public records or open meetings may call the Iowa Citizens' Aide/Ombudsman Office – toll-free at 888-IA-OMBUD (888-426-6283.)

"Sunshine Advisory" bulletins provide information on Iowa's public records and open meetings laws – our "Sunshine Laws." The bulletins are a resource for public officials and citizens. Local officials should obtain legal advice from their counsel, such as the city or county attorney.

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Iowa Attorney General's Office: Hoover Building, Des Moines, Iowa 50319.

On the Web: www.IowaAttorneyGeneral.org. (Click on "open government.")